

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN PADILLA,

Plaintiff,

-vs-

Case No: 1:08-cv-06493-UA

MAERSK LINE LIMITED

Defendant.

_____/

ROBERTA E. ASHKIN (#115461515)

Local Counsel

580 Broadway, Ste. 906

New York, NY 10012

212-965-0010

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robertaashkin@aol.com

_____/

COMPLAINT

NOW COMES Plaintiff, by and through counsel undersigned, Roberta E. Ashkin, complaining against Defendant as follows:

1. Jurisdiction and venue lie in this action, Defendant conducting business within this forum's boundaries.
2. Jurisdiction is founded under the Jones Act (46 USC 30104) for negligence, and under the General Maritime Law for unseaworthiness.
3. At all times material to issues herein Plaintiff served as an employee of Defendant serving as a crew member aboard its vessels, with all acts and/or omissions giving rise to this action occurring in the course of Plaintiff's employment in the service of his ship.

4. On or about November 4, 2006, Plaintiff was in the course of employment when he was peremptorily ordered to engage in exertion too much for one person to tolerate when as a result of said failure to provide a safe place to work and seaworthy vessel he was injured vis-a-vis a hernia.

5. Defendant's tortious acts aforesaid caused or contributed to Plaintiff's damages, **inter alia**, as follows:

- a. Pain and suffering, past future;
- b. Mortification, humiliation, fright shock and embarrassment;
- c. Loss of earnings and earning capacity;
- d. Hospital, pharmaceutical and other expenses;
- e. Aggravation of prior condition, if any there be;
- f. Inability to engage in social, recreational, and other pursuits previously enjoyed;
- g. Mental anguish;
- h. Found.

WHEREFORE, Plaintiff demands trial by jury and judgment against Defendant, together with interest, costs, attorney fees and expenses, all to be methodically adjusted upwards during the pendency of this cause.

/s/ Roberta E. Ashkin

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Dated: July 11, 2008

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DEMAND FOR TRIAL BY JURY

_____ NOW COMES Plaintiff by and through counsel undersigned, Roberta E. Ashkin, and hereby
demands trial by jury in the above-referenced cause of action.

/s/ Roberta E. Ashkin

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